

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Aqua South Carolina for Approval of  
a New Schedule of Rates and Charges for Water and  
Sewerage Services Provided to Customers

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 12 - S

(Please type or print)

Submitted by: Scott Elliott

SC Bar Number: 1872

Address: Elliott & Elliott, P.A.

Telephone: 803-771-0555

721 Olive Steet

Fax: 803-771-8010

Columbia, SC 29205

Other: \_\_\_\_\_

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigatio
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Proposed
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

*JK P. Duke*  
*JK P. Duke*

ELLIOTT & ELLIOTT, P.A.  
ATTORNEYS AT LAW  
721 OLIVE STREET  
COLUMBIA, SOUTH CAROLINA 29205  
[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

SCOTT ELLIOTT

TELEPHONE (803) 771-0555  
FACSIMILE (803) 771-8010

April 27, 2009

HAND DELIVERY

Charles L. A. Terreni, Esquire  
Chief Clerk of the Commission  
SC Public Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211

RE: Application of Aqua South Carolina for Approval of a New  
Schedule of Rates and Charges for Sewerage Services Provided  
to Customers in Spartanburg County  
Docket No.: 2009-12-S

Dear Mr. Terreni:

Enclosed please find the original and twenty-five (25) copies of the **Rebuttal Testimony of Brian P. Devine** filed on behalf of Aqua South Carolina, in the above referenced docket. Also enclosed is a Certificate of Service reflecting service on all parties of record. I have enclosed an extra copy of this testimony which I would ask you to date stamp and return to me via my courier.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.

  
Scott Elliott

SE/jcl

Enclosures

cc: Jeffrey M. Nelson, Esq. w/encl.  
Kimberly Joyce, Esq.

State of South Carolina  
Before the  
South Carolina Pubic Service Commission

RE:   Application of Aqua South           )  
      Carolina for Approval of a New       )  
      Schedule of Rates and Charges       )       Docket No.: 2009-12-S  
      For Sewerage Services Provided to    )  
      Customers in Spartanburg County    )

Rebuttal Testimony

of

Brian P. Devine

On Behalf of

Aqua South Carolina

April 27, 2009

RECEIVED  
2009 APR 27 PM 11:33  
PUBLIC SERVICE  
COMMISSION

1        **BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

2                    **AQUA SOUTH CAROLINA, INC.**

3                    **REBUTTAL TESTIMONY OF BRIAN P. DEVINE**

4                    **DOCKET NO. 2009-12-S**

5                    **APRIL 27, 2009**

6        **Q.     Please state your name and business address.**

7        A.     My name is Brian P. Devine. My business address is 762 W. Lancaster Avenue,  
8                Bryn Mawr, PA.

9        **Q.     Have you filed direct testimony in this case?**

10       A.     Yes. I filed direct testimony on April 2, 2009.

11       **Q.     What is the purpose of your rebuttal testimony?**

12       A.     I will address the issues raised in the testimony filed by M. Elizabeth Ford and  
13                Christina L. Seale of the Office of Regulatory Staff (“ORS”).

14       **Q.     In Exhibit MEF-1, Ms. Ford describes regulatory issues which were found to**  
15               **be out of compliance with the South Carolina Code of Regulations. How is**  
16               **the Company addressing these issues?**

17       A.     Aqua South Carolina (“Aqua”) utilizes a local contractor specializing in  
18                wastewater collection systems to resolve customer service issues promptly and  
19                efficiently. Since Aqua does not maintain an office building within the state of  
20                South Carolina, Aqua will request a waiver for South Carolina Code of  
21                Regulations 103-516 and 103-530. Aqua will continue to work with its billing  
22                vendor to ensure that its bills are in compliance with the South Carolina Code of  
23                Regulations 103-532 and additionally provide the ORS contact information on

1 customer bills. If the changes cannot be made, Aqua South Carolina will request  
2 a waiver

3 **Q. Do you disagree with Ms. Seale's adjustment number 19 regarding income**  
4 **tax which is detailed in Audit Exhibit CLS-4?**

5 **A.** Yes. The ORS calculates federal income tax expense for Aqua on the basis of an  
6 individual entity. Aqua pays its federal income tax on a consolidated basis.  
7 Therefore, I believe this adjustment is inappropriate and an effective federal tax  
8 rate of 35% should be utilized in the calculation of all federal income taxes. The  
9 state income tax rate of 5% is correct.

10 **Q. Does this conclude your direct testimony?**

11 **A.** Yes, it does.

ORIGINAL

## CERTIFICATE OF SERVICE

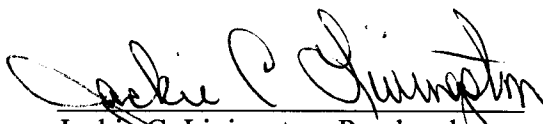
The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading to the persons indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Aqua South Carolina for Approval of a New  
Schedule of Rates and Chares for Sewerage Services Provided to  
Customers in Spartanburg County

Docket No.: 2009-12-S

PARTIES SERVED: Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
P. O. Box 11263  
Columbia, SC 29211

PLEADING: Rebuttal Testimony of Brian P. Devine

  
Jackie C. Livingston, Paralegal

April 27, 2009

RECEIVED  
2009 APR 27 PM 4:38  
SO. P. H. & SERVICE  
NORTH CAROLINA